

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE**

MELVIN CEDENO

v.

RYAN UPCHURCH *et al.*

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**Case No. 3:23-cv-00876
Chief Judge Campbell
Magistrate Judge Holmes**

ORDER

On November 18, 2024, Plaintiff filed a “Notice of Service of Plaintiff’s Responses to Defendant’s Requests for Admissions.” (Docket No. 38.) However, as directed by Rule 5(d)(1) of the Federal Rules of Civil Procedure, discovery requests and responses must not be filed until they are used in the proceeding or the court orders filing. *See also* Fed. R. Civ. P. 5(d)(1). Nor is a notice of discovery responses properly filed. Plaintiff’s recent filing (Docket No. 38) does not comport with Rule 5(d)(1). The Clerk is therefore **DIRECTED** to strike Docket Nos. 38 from the docket.

No further discovery notices shall be filed by any party in this case without a proper purpose, such as in connection with a summary judgment motion, a permitted discovery motion, or order of the Court. The Court will strike any additional improper discovery filings and will consider other appropriate relief.

It is SO ORDERED.



BARBARA D. HOLMES
United States Magistrate Judge